IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO: 22746 of 2004

Between:

S. Rajeshwar,

S/o. G. Gangaram,
2nd Depot, R/o. H.No. 1-16/6,

Mubarak Nagar, Nizamabad.

..... PETITIONER

AND

1. The APSRTC,

   Rep. by its Regional Manager,
   Nizamabad.

2 The Depot Manager,

   APSRTC, Nizamabad Depot,

   Nizamabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or order or direction, especially one in the nature of Writ of Mandamus:- a) declaring the action of the respondents to not granting additional increments to the Petitioner's for undergoing family planning operation w.e.f. May, 1995 as illegal and arbitrary. b) Consequently direct the respondents to grant additional increment to the petitioner's from May 1995 onwards for undergoing family planning operation duly granting all the consequential benefits c) and pass such other order or orders.

Counsel for the Petitioner: MR.K.VASUDEVA REDDY
Counsel for the Respondents: MR.V.T.M.PRASAD (S.C.FOR APSRTC)

The Court at the admission stage, made the following:

THE HON'BLE MR JUSTICE K.C.BHANU

WRIT PETITION NO: 22746 2004

ORDER:

For not granting additional increments to the petitioner, when he undergone family planning operation, with effect from May, 1995 and for consequential direction to the respondents to grant additional increments to the petitioner from May, 1995, the present writ petition is filed.

2. The learned counsel for the petitioner contended that for the purpose of granting additional increments, after underwent family planning operation, the petitioner made a representation and the same shall have to be considered by the respondents in accordance with law.

3. The learned counsel appearing for the respondents-Corporation contended that if the petitioner is eligible to the additional increments as per the rules, he will be sanctioned increments, but that has to be done by the 2nd respondent. The 2nd respondent has to take appropriate decision on the question as to whether the petitioner is eligible for grant of additional increments for under going family planning operation.

4. Therefore, without entering into the merits of the case, I direct that the application of the petitioner shall have to be considered by the 2nd respondent in accordance with the rules and regulations of the respondents-Corporation. If the application is not available in the hands of the 2nd respondent, the petitioner is directed to file a fresh application within one week from the date of receipt of a copy of this order and thereafter necessary decision has to be taken by the 2nd respondent in accordance with the rules and regulations of the Corporation within a period of two months, from the date of receipt of representation from

the petitioner or from the date of receipt of a copy of this order, if the application is available.

5. Accordingly, the writ petition is disposed of. No costs.

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December 9, 2004

KVR

TO

1 The Regional Manager, APSRTC,
Nizamabad.
2 The Depot Manager, APSRTC,
Nizamabad Depot, Nizamabad.

3 Two C.D. Copies.